UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES SCOTT #124522

        Plaintiff,   No. 14-12123

v.   District Judge John Corbett O'Meara
                                  Magistrate Judge R. Steven Whalen

CHERYL GROVES,
ET AL.,

        Defendants.

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ORDER DENYING PLAINTIFF'S MOTION FOR DISCOVERY [Docket #21]

Plaintiff James Scott, currently a Michigan Department of Correction ("MDOC") inmate, filed suit on May 22, 2014 alleging Due Process and First Amendment retaliation claims by MDOC staff members. On September 5, 2014, Defendants Cheryl Groves, Gayle Leach, and Randall Haas filed a motion for summary judgment. *Docket* #16.

Currently before the Court is Plaintiff James Scott's Motion for Discovery, filed October 10, 2014. *Docket #21.* The Court will deny Plaintiff's motion for discovery pending resolution of the summary judgment motion or upon further order of the Court. "'Trial courts have broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined.'" *Gettings v. Building Laborers Local 310 Fringe Benefits Fund,* 349 F.3d 300, 304 (6th Cir.2003))(quoting *Hahn v. Star Bank,* 190 F.3d 708,

719 (6th Cir.1999). A stay of discovery is appropriately granted where claims may be dismissed " 'based on legal determinations that could not have been altered by any further discovery.' " *Gettings,* 349 F.3d at 304 (quoting *Muzquiz v. W.A. Foote Mem. Hosp., Inc.,* 70 F.3d 422, 430 (6th Cir.1995)).

As a secondary matter, the Court notes that Plaintiff's discovery requests were improperly directed to the Court, rather than to Defendants.

For these reasons, Plaintiff's Motion for Discovery is DENIED without prejudice.

IT IS SO ORDERED.

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s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

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Dated: October 17, 2014

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CERTIFICATE OF SERVICE

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I hereby certify that a copy of the foregoing document was sent to parties of record on October 17, 2014, electronically and/or by U.S. mail.

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s/Carolyn M. Ciesla
Case Manager to the Hon. R. Steven Whalen

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